

LYNDON CITY COUNCIL
REGULAR MEETING MINUTES OF
January 20, 2015

The Lyndon City Council met in regular session on Tuesday, January 20, 2015, 7:00 p.m., at City Hall.

1. CALL TO ORDER: Mayor Smith called the meeting to order.
2. ROLL CALL: City Clerk called roll of the City Council. Mayor Brandon Smith and members Doug Watson, Darby Kneisler, Chris Cole, and Bill Patterson present.

City Staff present: City Attorney, Pat Walsh; Betty Thompson, City Administrator; Julie Stutzman, City Clerk; David Wilson, Public Works Supervisor; and Darrel Manning, Chief of Police and Zoning Administrator.

Others present: Kelly Hurla, Osage Herald Chronicle; Eric Tinchler.

3. ADOPTION OF MINUTES OF PREVIOUS MEETINGS: Cole made the motion to approve the regular meeting minutes of December 15, 2014 as presented. Patterson seconded, motion carried.

Patterson made the motion to approve the special meeting minutes of January 12, 2015 as amended. Watson seconded, motion carried.

4. CORRESPONDENCE TO COUNCIL:

- Pledge of Securities from Lyndon State Bank as of November 30 and December 31, 2014.
- Kansas Government Journal for December 2014.
- Information on the 2015 Farmer's Market Workshop.
- Copy of letter from John Bivins.
- Street light report from PD submitted to KCPL.

5. CITIZEN'S STATEMENTS AND PETITIONS: None.

6. UNFINISHED BUSINESS:

- a) LYNDON RECREATION COMMISSION: At the December 15, 2014 meeting, the Council voted to remove the current position appointees from the Rec Commission and to advertise the positions. Since that time, the Mayor stated Ms. Moon conveyed to him that she wants to continue her term on the commission. Ms. Moon's appointment expires in April 2015. After further discussion, Watson made the motion to re-affirm the Mayor's appointment of Rhonda Moon to the Recreation Commission. Kneisler seconded, motion carried. Cole opposed.

At a previous meeting, the Council received a letter of interest from Matt Bones about serving on the Joint Recreation Commission. The term expires in April 2016 for the vacant position. Mayor Smith asked for a motion to approve his appointment of Matt Bones to serve on the Rec Commission. Cole made the motion to approve

the Mayor's appointment of Matt Bones to the Recreation Commission. Watson seconded, motion carried.

- b) RESOLUTION FOR 1/2% SALES TAX: Council received copies of two versions of the 1/2% sales tax resolution for consideration. After further discussion about the language in the resolution, Patterson made the motion to approve the second version of Resolution 15-02 that would put the 1/2% sales tax to a vote on the April ballot. Cole seconded, motion carried. (The second version of the resolution states increase in City Property Tax versus increase in Mill Levy in the first version.)
- c) SAFE ROUTES TO SCHOOL AGREEMENT: Council received a copy of the agreement from KDOT for Safe Routes to School Phase II for review. The City Attorney stated he reviewed the agreement and stated from a legal standpoint the agreement is good, however, there are stringent requirements on the City for maintenance. After further discussion about the project, Kneisler made the motion to have Bruce Boettcher prepare a draft agreement between the City and BG Consultants for Safe Routes to School Phase II inspection and engineering per KDOT's requirement in the proposed agreement. Cole seconded, motion carried. Patterson made the motion to approve and authorized the Mayor to sign KDOT Agreement 383-13 on behalf of the City. Kneisler seconded, motion carried.

The City Administrator provided Jason's summary of the project and she discussed these with the Council. The Mayor discussed the proposed one-way street on Cedar and some of the drawbacks voiced by residents. Patterson stated he researched other schools in the area and Lebo, Burlington, Scranton, Overbrook, and Olpe schools have one-way streets. Further discussion continued regarding the one-way with consensus of the Council to leave the engineering of the one-way intact.

7. NEW BUSINESS:

- a) RESOLUTION 15-01 AUTHORIZING TRANSFER OF FUNDS: Council received a copy of Resolution 15-01 that authorizes the transfer of \$6,800 from Special Highway to Special Machinery for 2014. Watson made the motion to approve Resolution 15-01 and authorized the Mayor to sign. Patterson seconded, motion carried.
- b) YEAR-END REPORT: The City Administrator discussed the year-end financial report and the Council received a draft copy to review. She stated the City received the first mill levy distribution for 2015, which total \$205,946, however, after deducting \$16,000 for the Neighborhood Revitalization rebate; the City received the net amount of \$189,946. The City Administrator discussed transfers from the Water, Sewer and General Funds to Employee Benefits. She also discussed the Pool and Capital Improvement Funds.

She stated that Karen from RWD#7 met with her and stated RWD#7 will soon take over RWD #1. The City Administrator stated this decreases water revenue by approximately \$13,000 per year.

The City Administrator stated the sub-funds within each fund would be recoded and simplified. She stated the four main categories are salaries, contractual services, commodities and capital outlay.

The City Administrator stated the year-end statement has to be published in the paper next week. After further discussion, Cole made the motion to approve the draft year-end financial statement. Kneisler seconded, motion carried.

8. STAFF REPORTS:

- a) POLICE: Council received a copy of the Officer Activity report for the entirety of 2014.
- b) PLANNING AND ZONING: The Zoning Administrator stated at the last meeting Planning and Zoning meeting the Commission wants to the City to consider adopting the International Building Codes. He stated he provided Pat with the information for his review.

The City Attorney stated the Council discussed this in the past and each book contains uniform codes for building, plumbing, and electrical. He stated he has copies of the 2016 editions, however, the Zoning Administrator stated all of the codes were updated in 2014 except for the electrical which will be updated in 2015. The City Attorney stated the debate in the past was the enforceability of the codes. He stated there probably should be some sort of enforceability to make sure people are complying, however, it also gives the homeowner something to use if their contractors are trying to cut corners. The City Attorney stated it can be incorporated by reference and the actual codes through ordinance.

The Zoning Administrator stated enforceability is through periodic inspection and gave examples of the how those are done with electrical, plumbing and foundation work. The Mayor stated the City would get homes that would be better built and help with property values. Watson asked how we would do that without a City inspector and the Mayor stated that had been part of the debate in the past. The Mayor stated another concern was about liability of something overlooked by the inspector and how it would affect the City.

The City Attorney stated the liability to the City would be minimal and there should be some means of inspection. He stated some cities adopt the codes and do not enforce them, but doesn't feel the City needs to do that. Watson stated that with not having a building inspector to inspect everything that is built in the City, it would be more falling back on if the contractor does shoddy work, the homeowner complains and is able to say it should have been done to these codes. The Zoning Administrator stated that is what the codes are for and provides regulations. Watson asked if the Zoning Administrator would be handling these inspections such as electrical. The Zoning Administrator stated the homeowner would have to have an electrician who is insured and licensed to do the work in the first place, and it is the responsibility of the electrician to call for an inspection before the wiring is covered up. Cole asked about a certificate of occupancy and the Zoning Administrator stated that would be given after the house or building is completed.

The Mayor stated in the past there was discussion about having a building inspector that the nearby cities would share; however, nothing came of it. The City Administrator stated the Zoning Administrator is qualified to do the inspections, however, had spoken with someone recently who lives in the area and worked as a code enforcement officer for the City of Olathe.

Cole asked about the inspection fees and the City Attorney stated there would be a fee schedule for these permits and inspections that would need to be set up. The Zoning Administrator stated the fees could be set up as a flat rate or based on a percentage of the cost of construction.

The City Attorney stated it would be beneficial to see what other smaller towns with RSI of up to 5,000 people are doing. The Zoning Administrator stated he researched at least nine other cities. Patterson stated he does not want to compound other issues and questioned what kind of remodeling/building constitutes a permit. Cole stated his understanding would be if you were adding square footage or changing the design of your home. It was noted that if a homeowner was to do his own work, the cost of the inspection would be still be an added cost of the construction.

Cole asked how the Zoning Administrator would enforce the certificate of occupancy if someone built a house and no inspection was done. He asked if they would be fined and what the process would be. The Zoning Administrator stated it would depend on the situation and stated currently he only has one nuisance ordinance to be able to handle issues such as grass and vehicles, and because anything more requires Council action. The City Attorney stated if the Council wants to explore this option, there are many things that need to be done. Cole asked if they could get the examples of the process that the Zoning Administrator has collected to review and the Zoning Administrator stated he could get those. The City Attorney stated Planning and Zoning Commission could undertake setting up the process and give recommendations to the Council.

Cole stated the pros of having the codes in place would be able to have a baseline of building requirements for the future. Patterson voiced his concern of adding fees and increasing the cost of the total project for homeowners. Kneisler stated the Zoning Administrator does a good job now of making sure the current building guidelines are followed and doesn't feel the City is big enough use these codes. After further discussion, it was consensus of the Council to table the matter.

c) MAINTENANCE: The Council received a copy of the Maintenance Activity Report.

The Mayor asked the Maintenance Supervisor about the cost of the pump# 3 for the sewer plant. The Maintenance Supervisor stated anywhere from \$500 to \$5,000 and probably looking at the upper end of that range. He stated they are still looking into parts to rebuild.

Kneisler asked if the survey for Madison Street is done or is going to be done in conjunction with the work the engineer is doing for Safe Routes to School. The City Attorney understood the survey is on Monroe Street where the street improvement was supposed to be done and held off last year due to a disagreement with a property owner

on the actual right-of-way was and also asked if the survey was going to be conducted so that block of street on Monroe could improved this year. The City Administrator stated it is to be done the same time Safe Routes to School is done. Kneisler asked if the tubes were still available for that section of road and the Maintenance Supervisor stated that due to the project change, the tubes were used in other areas.

Patterson complimented the maintenance crew on their good work on the new trail sign at Jones Park and stated he is working on the design of the signage.

- d) CITY CLERK: The City Clerk did not present the Council with a report, however, provided the Council with the bill list for December 2014.

She stated she would like to attend the CCMFOA Spring Conference in March. The Mayor stated that other than making sure there is office coverage, they would encourage attendance.

- e) CITY ADMINISTRATOR: The City Administrator discussed her report with Council.

The City Administrator complimented the Maintenance crew for their hard work on the two water leaks on 6th Street.

The City Administrator stated there had been discussion of how to get replacement light poles and pole inspections at Jones Park at the previous meeting. She contacted KCPL and if the Council submits a letter, they might be able to donate some poles. She stated that due to the size of the poles at Jones Park, it may take a while to be able to get them.

The City Administrator reported that the tax credits were sold for the Bailey House at 82.5%.

She stated she received an email from Sunflower Foundation requesting proposals for trail enhancements and she will look into that.

The City Administrator stated she distributed letter to the property owners along the Safe Routes to School and about the project.

9. COUNCIL COMMENTS:

Patterson noted in one of the last Kansas Government Journals that you can do an ordinance or resolution summary when you publish in the paper instead of its entirety. The City Attorney stated that is something new, but with some ordinances it may not be viable.

Patterson inquired about a fire call on the PD report and discussed the county's burn permit. He wanted to make sure residents within the City limits know they are not subject to the County's burn regulations. It was noted that when residents call about burning brush that they are told to notify the Sheriff's office and City Hall, and told it has to be a 10 x 10 area and have water readily available.

Patterson asked about getting a trail count from the counter on the trail and the staff will ask Peggy Clark about getting that.

Patterson stated he discussed with Chief of Police property issues at fifth and Adams. He stated there are buildings that are in disrepair and trash all over. The Chief of Police stated utilities are shut off and there are two dogs left in the house. The Chief also stated the property owner will be going to court for not following the ordinance.

Cole thanked the Maintenance for their hard work on the water leaks.

Kneisler stated he discussed at previous Council meetings the possibility of the City providing its own trash service. He spoke with Downing Sales and Service in Missouri who sell trash-hauling equipment to get a rough estimate. He stated the 96-gallon polycarts are approximately \$62.00 each and told they last almost 20 years. He stated the quote on a single-axle 2015 Freightliner with a Pak-mor 20-yard bed and cart dumper with cable would be approximately \$160,000 and last 20 years. Kneisler stated at the current rate of \$14.00 for 500 customers it would be approximately \$7000 per month in revenue for the City and after other costs about \$40,000 total in yearly profit. He also stated upfront cost of the truck and equipment divided over a 20-year period would cost the City \$8,000 a year. Council continued to discuss trash options with no action taken.

Watson stated on January 28th there will be a joint city, school and rec meeting to discuss the Jones Park Agreement and interview candidates for the Recreation Director position. He asked Council to provide any feedback on the agreement to take to the next meeting.

10. EXECUTIVE SESSION: None.

11. ADJOURNMENT: Watson made the motion to adjourn to February 2, 2015 at 7:00 p.m. for regular meeting. Kneisler seconded, motion carried.

Julie Stutzman

City Clerk